

CITY COMMISSION MINUTES

April 29, 2008

7:00 p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, April 29, 2008 with Mayor Mick Wunder presiding.

The following members of the Commission were present: Terry Heldstab, Ken Talley, Jack Taylor and Mick Wunder. Staff present was: City Manager Rod Barnes, Assistant City Manager Mike Guinn, City Attorney Christina Cook, City Clerk Tricia Gowen, and City Attorney Catherine Logan.

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the Consent Agenda. Ayes: Heldstab, Talley, Taylor; Wunder. Nays: None. Motion carried. The Consent Agenda consisted of the following:

- a. Approval of the **April 15, 2008**, City Commission meeting minutes.
- b. The consideration and approval of **Appropriation Ordinance** dated April 11, 2008, through April 24, 2008, in the amount of \$1,353,140.07.
- c. The consideration and approval of **Pay Request #2, #3, and #4** by Kaw Valley Engineering for services on Rucker Road and US-77 Intersection, in the amounts of \$15,122.00 (Pay Request #2 – services through December 24, 2007); \$14,282.00 (Pay Request #3 – services through January 28, 2008) and \$365.00 (Pay Request #4 – services through February 25, 2008) for total payment request of \$29,769.00.
- d. The consideration and approval of **Pay Request** by Kaw Valley Engineering for professional services through March 24, 2008, for the Spring Valley Road Corridor Improvements Project, in an amount of \$11,843.20.
- e. The consideration and approval of **Pay Request #8** by BG Consultants for services completed through March 31, 2008, for Rucker Road-US 77 to Whitney, in an amount of \$12,240.47.
- f. The consideration and approval of **Pay Request #1, #2 and #3** by Kaw Valley Engineering for professional design services rendered through March 24, 2008, for Spring Valley Road – Strauss to North Ash Street, in an amount of \$20,648.50.
- g. The consideration and approval of **Pay Request #6** by BG Consultants for services completed through March 31, 2008, for KDOT Ditch Drainage with Patch project, in an amount of \$16,115.56.
- h. The consideration and approval of **R-2467** declaring eligibility to submit an application to KS Department of Transportation for use of Safe Routes to School Funds set forth by SAFETEA-LU for Safe Routes to Schools Project.

- i. The consideration and approval of **Pay Request #1, #2 and #3** by Kaw Valley Engineering for professional design services through March 24, 2008, for Spring Valley Road-North of Ash and Spring Valley Drive, in an amount of \$37,554.00.
- j. The consideration and approval of **Payroll Requests #8 and #9** in the amounts of \$218,810.59 (#8, April 11, 2008) and \$214,760.03 (#9, April 25, 2008).
- k. The consideration and approval of **Pay Request #10** by HNTB for services on the US 77 and K-18 Corridor Study through a partnership with KDOT, Geary County, City of Junction City and City of Milford, in an amount of \$20,121.99. (60% reimbursement by KDOT and 20% by Geary County, leaving 20% to be paid by City, \$4,024.40)
- l. The consideration and approval of **Pay Request #6** by Walters-Morgan Construction for construction services through April 20, 2008, on the K-57 Channel and Pedestrian Trail Improvements/KDOT Drainage Ditch Improvements Project, in an amount of \$218,163.07. (KDOT will reimburse 75% of this amount, or \$163,622.30)

APPOINTMENTS

- a. The consideration and approval of the following persons to the **Board of Trustees of the Dorothy Bramlage Public Library** for four-year terms beginning May 1, 2008, through April 30, 2012.
 1. Judy Beemer
 2. Lisa Eickholt
 3. Cyndy Platt

Commissioner Talley moved, seconded by Commissioner Heldstab to approve Judy Beemer, Lisa Eickholt and Cyndy Platt to the Board of Trustees of the Dorothy Bramlage Public Library for four-year terms beginning May 1, 2008 through April 30, 2012. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.
- b. The consideration and approval of the following persons to the **Board of Building Contractors** for the term of January 1, 2008, through December 31, 2008:

1. Richard Rothfuss	R&R Developers
2. Terry Kidd	Terry Kidd Construction
3. Stanley Pearson	Pearson Construction
4. Leon Osbourn	Kaw Valley Engineering
5. Brett Deam	Deam & Deam, LLC

Commissioner Heldstab moved, seconded by Commissioner Talley to approve Richard Rothfuss, Terry Kidd, Stanley Pearson, Leon Osbourn, and Brett Deam to the Board of Building Contractors for the term of January 1, 2008 through December 31, 2008. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.
- c. The consideration and approval of the following persons to the **Board of Plumbing/Mechanical Contractors** for the term of January 1, 2008, through December 31, 2008:

1. Bob Small	Small's Plumbing
2. Glenn Schmutz	Glenn's Plumbing
3. Joe Marshall	M & L Services

Commissioner Talley moved, seconded by Commissioner Taylor to approve Bob Small, Glenn Schmutz, and Joe Marshall to the Board of Plumbing/Mechanical Contractors for

the term of January 1, 2008 through December 31, 2008. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

- d. The consideration and approval of the following persons to the **Board of Electrical Contractors** for the term of January 1, 2008, through December 31, 2008:

1. Dean Luthi A & D Electric
2. Darrell McCaleb McCaleb Electric
3. Steve Matthews Matthew's Electric

Commissioner Heldstab moved, seconded by Commissioner Talley to approve Dean Luthi, Darrell McCaleb, and Steve Matthews to the Board of Electrical Contractor for the term of January 1, 2008 through December 31, 2008. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

SPECIAL PRESENTATIONS

- a. Special recognition to the Convention and Visitors Bureau for Junction City being recognized in Outdoor Life Magazine. (Top 200 Best Places to Live.) Mayor Wunder presented a framed copy of the Outdoor Life Magazine that featured Junction City. Connie Hall stated that Junction City and Geary County makes a team effort to make this recognition to happen. Rick Dykstra presented a video that the CVB is making each time a unit redeploys to Fort Riley. Copies will be given to the soldiers and their families.
- b. Special recognition to Junction City Firefighters/EMT's Brad White, Randy Nabus and Joshua Allen. Mayor Wunder presented certificates of recognition to Mr. White, Mr. Nabus and Mr. Allen for their excellent care and professionalism displayed during an ambulance call.

NEW BUSINESS

- a. The consideration and approval of **Ordinance S-3006** authorizing and providing issuance of General Obligation Bonds, Series DS. (First Reading)(**REMOVED FROM AGENDA**)
- b. The consideration and approval of **Property and Liability Insurance** for City properties by Sunflower Agency, in an amount of \$184,102.00. James Charlesworth with Charlesworth and Associates informed the Commission that the premium for the City's property and liability insurance has experienced a decrease for the upcoming year. Commissioner Talley moved, seconded by Commissioner Heldstab to approve the property and liability insurance for City properties by Sunflower Agency in the amount of \$184,102.00. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.
- c. The consideration and approval of **SAFER Grant** and the hiring of six additional Firefighters/EMT's or MICT's by the Junction City Fire Department. (Federal Fund reimbursement for 1st year 78%; 2nd year 65%; 3rd year 38%; 4th year 22%; 5th year 0%.) Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the SAFER Grand and the hiring of six additional Firefighter/EMT's or MICT's by the Junction City Fire Department. Ayes: Heldstab, Taylor, Wunder. Nays: Talley. Motion carried three to one.
- d. The consideration and approval of **Change Order #1** by J&K Contracting requesting decrease of \$67,200.00, in Construction Management and Construction Observation Agreement from October 4, 2007, for Turkey Hollow and requests a separate agreement to remove all meter pits from the original contract and install new upon construction of

buildings. (Original contract amount, \$604,228.04; new contract price will be \$537,028.04.) Commissioner Talley moved, seconded by Commissioner Heldstab to table this item until the May 20, 2008 Commission meeting when the City has obtained a written agreement with J&K Contracting stating that the meter pit costs will remain the same. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

- e. The consideration and approval of **Change Order #1** by J&K Contracting, LC requesting decrease of \$48,800.00, in original contract from October 5, 2007, for Turkey Ridge and requests a separate agreement to remove all meter pits from original contract and install new upon construction of buildings. (Original contract amount, \$315,694.30; new contract price will be \$266,894.30.). Commissioner Talley moved, seconded by Commissioner Heldstab to table this item until the May 20, 2008 Commission meeting when the City has obtained a written agreement with J&K Contracting stating that the meter pit costs will remain the same. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.
- f. The consideration and approval of **Award of Bid** to Walters-Morgan Construction for removal of trees and to extend drainage pipe 184 feet, backfill, final grading and seeding, for the K-57 Drainage Ditch Project, in an amount not to exceed \$15,183.69. Commissioner Taylor moved, seconded by Commissioner Heldstab to approve the award of bid to Walters Morgan Construction for removal of trees and to extend draining pipe 184 feet, backfill, final grading and seeding for the K-57 Drainage Ditch Project in an amount not to exceed \$15,183.69. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.
- g. The consideration and approval of **Award of Bid** to Wrench Construction for the Freeman Field Taxilane Rehabilitation Project, in an amount of \$455,333.98, for base bid and \$52,284.00, for the add alternate. FAA provides 95% funding. City is required to pay five percent of the base bid and the add alternate for total amount of \$75,050.70. Brad Wahler with HWS Consulting, informed the Commission that the asphalt will be replaced with 6-inch concrete which has a longer life expectancy and minimal maintenance. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the award of bid to Wrench Construction for the Freeman Field Taxilane Rehabilitation Project in amount of \$455,333.98 for base bid and \$52,284.00 for the add alternate. FAA provides 95% funding and the City is required to pay five percent of the base bid and the add alternate for a total amount of \$75,050.700. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.
- h. The consideration and approval of **Bridge Replacement and Floodplain Fill Permits** from the Kansas Department of Agriculture for replacing existing 40-year old bridge on Rucker Road. Project will be done with the Rucker Road US 77 to Whitney project. Work has been authorized to be completed on or before July 1, 2010. Commissioner Talley moved, seconded by Commissioner Taylor to approve the Bridge Replacement and Floodplain Fill Permits from the Kansas Department of Agriculture for replacing the existing 40-year old bridge on Rucker Road. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.
- i. The consideration and approval of **Amendment to Ordinance G-1037, Section 220.745** to include "any knife which has a blade that opens automatically or substantially automatically by hand pressure applied to a button, spring or other device, which button, spring or other device is located anywhere on or in the knife other than in the handle."

(First Reading). Commissioner Heldstab moved, seconded by Commissioner Talley to approve the Amendment to Ordinance G-1037, Section 220.745 to include "any knife which has a blade that opens automatically for substantially automatically by hand pressure applied to a button, spring or other device which button, spring or other devices is located anywhere on or in the knife other than in the handle" (First Reading). Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

- j. The consideration and approval of **Amendment to Standard Traffic Ordinance G-1035, Section 300.86**—Parking in Cul-de-sacs. (First Reading). Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the Amendment to Standard Traffic Ordinance G-1035, Section 300.86. – Parking in Cul-de-sacs (First Reading). Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.
- k. The consideration and approval of **Award of Bid** to the lowest bidders for demolition of condemned properties:

1. 514 W. 11th (R-2414) & 524 W. 11th (R-2415) Davis Construction \$6,425.00.

Cliff McMillian informed the Commission that he is the owner of these properties and has a demo permit. He asked the Commission for 60 to 90 additional days to completely demolish these properties.

Commissioner Wunder moved to award the bid to Davis Construction in the amount of \$6,425.00 for the demolition of 514 W. 11th (R-2414) and 524 W. 11th (R-2415). Motion died for a lack of second.

Commissioner Heldstab moved, seconded by Commissioner Taylor to give Mr. McMillian an additional 30 days to completely demolish the two properties and all of the structures. If the demolition is not complete in 30 days, the Commission will revisit the award of bid to Davis Construction. Ayes: Heldstab, Talley, Taylor. Nays: Wunder. Motion carried three to one.

2. 536 W. 10th (R-2416) Pearson Excavating \$2,450.00.

Commissioner Taylor moved, seconded by Commissioner Heldstab to approve the Award of Bid to Pearson Excavating to demolish 536 W. 10th (R-2416) in the amount of \$2,450.00. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

City Manager, Rod Barnes, informed the Commission that 130 e. 1st Street had been pulled from the process because the City has been contacted by an individual who is in the process of purchasing the property.

- l. The consideration and approval of **Contract Amendment** with S&W Services to include tree debris trimming and removal for Spruce Street Water Tower, in an amount of \$4,600.00. (\$690.00 of the total amount of \$4,600.00, is FEMA eligible.) Commissioner Taylor moved, seconded by Commissioner Heldstab to approve the Contract Amendment with S&W Services to include tree debris trimming and removal for Spruce Street Water Tower in an amount of \$4,600.00. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.
- m. The consideration and approval of **Phase III Study by KDOT Environmental Group** to do digging test pads for archeological/historic significance that were found on the Spring Valley Road and K-18 Project (Charles Munson site). Agreement with KDOT states the City

is responsible for the costs required by the Environmental investigation and studies, which is estimated at \$20,401.95. City Engineer, Christina Cook, informed the Commission that if they voted no on this item, the project would stop and the City would lose KDOT funding. KDOT does the work for this project. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve Phase III Study by KDOT Environmental Group to do digging test pads for archeological/historic significance that were found on the Spring Valley Road and K-18 Project (Charles Munson site). Agreement with KDOT states the City is responsible for the cost required by the Environmental investigation and studies, which is estimated at \$20,401.95. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

GENERAL DISCUSSION

(The Commission requests that comments be limited to a maximum of five minutes for each person).

Chris Jasinski – 7218 Rockwood Drive, Milford, KS. Mrs. Jasinski stated that she had sent an email to all five Commissioners on April 20, 2008 and only one Commissioner replied back to her and that those answers were not to her satisfaction. Ms. Jasinski stated that her questions were regarding information that is readily available and no research should have to be done. Her questions concerned the RHID process for Sutter Woods, Sutter Heights and Olivia Farms. Ms. Jasinski stated that she wanted answers to her questions in 24 hours. Mayor Wunder responded that the City staff will review her questions and consult with the City Attorney and get back to her. Ms. Jasinski stated that Mr. Barnes has a copy of the email and has not responded. Mayor Wunder stated that the Commissioners have full time jobs outside of the City and are not able to get her answers within 24 hours. Mrs. Jasinski stated that it would be nice if her requests were acknowledged. City Clerk, Tricia Gowen, informed Ms. Jasinski that as part of the City Clerk duties, requests can be sent to her and she will reply to her requests that they were received and inform her when the information is ready. Ms. Jasinski stated that her requests are not considered a part of the Kansas Open Records Act and therefore she did not feel the need to email the City Clerk with her requests. Mayor Wunder stated that the Commission and City staff are busy with the daily duties of their positions and if Mrs. Jasinski had these concerns, they should have been brought to the Commission 15-17 months ago when the RHID was happening.

COMMISSIONER COMMENTS

Commissioner Taylor commended a Veolia employee. Over the weekend, he received an email that a residence had sewage in their yard. By the time Commissioner Taylor received the email and was able to drive by the location, Veolia staff was already on site addressing the situation.

Commissioner Heldstab congratulated the CVB on their awards and with the recognition by Outdoor Life Magazine. Commissioner Heldstab welcomed home the 4th Brigade.

STAFF COMMENTS

City Manager, Rod Barnes, stated that the budget hearings will begin the week of May 12, 2008 at 5:30 p.m. Mr. Barnes thanked the Commission for their participation in the public meetings that were held last week to seek the input of the community for the 2009 budget.

Assistant City Manager, Mike Guinn, stated that the East Street round-a-bout and Chestnut Street projects are concrete projects.

Information Systems Director, Jim Germann, introduced the new Information Systems Specialist, Steve Roles. The Commissioner welcomed Steve to the City staff.

EXECUTIVE SESSION

Commissioner Talley moved, seconded by Commissioner Heldstab to adjourn into executive session at 8:44 p.m. to reconvene at 8:54 p.m. to discuss matters related to Attorney-Client privileges. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried. Included in the Executive Session were the City Manager, Assistant City Manager, City Engineer, and City Attorney.

Commissioner Heldstab moved, seconded by Commissioner Talley to reconvene into regular session at 8:54 p.m. having made no decisions nor taken any action while in executive session. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

ADJOURNMENT

Commissioner Heldstab moved, seconded by Commissioner Talley to adjourn at 8:57 p.m. Ayes: Heldstab, Talley, Taylor, Wunder. Nays: None. Motion carried.

APPROVED AND ACCEPTED THIS 6th DAY OF MAY, 2008 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR APRIL 29th 2008.


Tricia Gowen, City Clerk


Mick Wunder, Mayor